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UNITED STATES DISTRICT COURT	
SOUTHERN DISTRICT OF NEW YORK	
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FEDERAL INSURANCE COMPANY;	: ECF CASE
	:
Plaintiff,	: 07 Civ. 3166 (PKC)
	:
- against -	: COMPLAINT
	:
EXPEDITORS INTERNATIONAL OF	:
WASHINGTON, INC.; EXPEDITORS	:
INTERNATIONAL OCEAN; EXPEDITORS	:
INTERNATIONAL FRANCE SAS;	:
	:
Defendants.	:
	:
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Plaintiff, through its undersigned attorney, alleges as follows for its complaint against defendants:

1. Plaintiff Federal Insurance Company is a corporation organized under the laws of one of the fifty states with an office at 55 Water Street, New York, New York, and sues herein as subrogated cargo insurer, having paid the insurance claims of Miss Elaine Inc. for the shipment described in the annexed Schedule A and Trinity Biotech USA for the shipment described in the annexed Schedule B. Both schedules are incorporated herein by reference. Plaintiff also sues for and on behalf of the shippers, consignees and owners of the respective cargoes, as their interests may appear.

2. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure with respect to the shipment described in Schedule A. As to the shipment described in Schedule B there is federal question subject matter jurisdiction as the claim arises under a treaty of the United States, specifically the Convention for the Unification of Certain Rules Relating to International Transportation by Air, 49 Stat. 3000, T.S. No. 876 (1934), reprinted in note following 49 U.S.C. Sec. 1502 (the "Warsaw Convention"), and certain amendments thereto. Plaintiff seeks recovery for cargo loss and damage caused by defendants' breaches of contract and torts.

3. The defendants are believed to be corporations organized under the laws of certain of the fifty states and/or a foreign sovereign.

4. This Court has *in personam* jurisdiction over the defendants, who conduct business in the State of New York and/or within the United States as a whole within the meaning of pursuant to Rule 4(k)(2) Federal Rules of Civil Procedure.

5. This action involves loss and damage, including water damage, to a shipment of readymade garments which are described in Schedule A, said damage having been caused by the unseaworthiness of the carrying vessel and defendant Expeditors International Ocean's negligent failure to properly and safely load, stow, carry, discharge and deliver the shipment.

6. This action also involves damage to the temperature-sensitive shipment of laboratory reactivities and equipment described in Schedule B which was caused by defendant Expeditors International France S.A.S.'s fundamental breach of, and deviation from, the terms of the governing carriage contract, including the specific provisions for temperature-controlled care for which accessorial freight charges were paid.

7. As a result of the foregoing, plaintiff and those on whose behalf it sues, has sustained damages in the amount of \$44,956.27 (\$5,970.67 for the Schedule A claim;

and \$38,985.60 for the Schedule B Claim) for which defendants are jointly and severally liable as common carriers, bailees and/or warehousemen for hire.

8. Plaintiff sues on its own behalf and as agent and trustee for and on behalf of anyone else who may now have or hereafter acquire an interest in this action.

WHEREFORE, plaintiff demands judgment against defendants jointly and severally in the amount of \$44,956.27 together with interest at the rate of 9% per annum and the costs of this action, together with such other and further relief as warranted by justices

Dated: New York, New York
April 19, 2007

Law Offices
DAVID L. MAZAROLI

s/David L. Mazaroli

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File Nos. 6C-1364 & 7C-1489

SCHEDULE A

Subrogated Insurer:	Federal Insurance Company
Plaintiff's subrogor:	Miss Elaine Inc.
Vessel:	M/V "PRESIDENT TRUMAN"
Voyage:	00117
House B/L No.:	610312764
Master B/L No.:	HDMUCQWB0111714
Dated:	October 5, 2005
Container No.:	HDMU41901080
Port of Loading:	Chittagong/Bangladesh
Port of Discharge:	Los Angeles/California
Port of Delivery:	St. Louis/Missouri
Commodity:	4,763 cartons of clothing
Claim Amount:	\$5,970.67
Expeditors Claim:	05-24547
Plaintiffs' Ref.:	46140/09
DLM File:	6C-1364

SCHEDULE B

Subrogated Insurer:	Federal Insurance Company
Plaintiff's subrogor:	Trinity Bioetech USA
House Air Waybill No.:	HAWB 410234350
Master Air Waybill No.:	MAWB 057-74608170
Dated:	November 2, 2006
Origin:	France
Destination:	New York
Commodity:	laboratory equipment
Claim Amount:	\$38,985.60
Expeditors Claim:	2060558076
Plaintiff's Ref.:	35339994/08
DLM File:	7C-1489